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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,817	04/19/2005	Toshiyuki Fukushima	MTS-3550US	3849

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EXAMINER	
SHEN, KEZHEN	
ART UNIT	PAPER NUMBER
2627	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/531,817	FUKUSHIMA ET AL.	
	Examiner	Art Unit	
	Kezhen Shen	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 17 and 19, applicant argues the limitation of "wherein said control device is configured to control the drive device to stop the supply of power to said volatile buffer memory, the recorded information for adjustment processing in said volatile buffer memory is thereby erased" as a novel feature. Examiner disagrees. One of ordinary skill in the art would recognize the volatile buffer memory to be erased when the supply of power is suspended as an inherent feature.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 17-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 17 and 19, applicant claims the limitation of "wherein said control device is configured to control the drive device to stop the supply of power to said volatile buffer memory, the recorded information for adjustment processing in said volatile buffer memory is thereby erased". This limitation is not supported in the specifications. Applicant does describe the possibility of the supply of power being suspended, however does not describe the control device directly controlling the stopping of the supply of power.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Tadayuki et al. JP 8-329469 A.

Regarding claim 17, Tadayuki et al. teach a replaying apparatus, comprising: a drive device housing an optical disk (Drawing 1) and a control device connected to said drive device (Drawing 1), wherein said control device has: a memory (36 of Drawing 1), a memory recording unit which acquires an information for adjustment processing of the optical disk housed in said drive device to record the acquired information in said memory (24 of Drawing 1, [0077] CPU), a transmitting unit which transmits the information for adjustment processing stored in said memory to said drive

device (24 of Drawing 1, [0022]-[0023] CPU), and said drive device has: a volatile buffer memory (47 of Drawing 1, [0081] volatile memory SRAM), a calculation unit which calculates the information for adjustment processing of the housed optical disk (24 of Drawing 1, [0022]-[0023] CPU), a calculated information recording unit which records the calculated information for adjustment processing as a first adjustment information in said volatile buffer memory (24 of Drawing 1, [0022]-[0023] CPU), a calculated information transmitting unit which transmits the calculated information for adjustment processing to said control device (24 of Drawing 1, [0022]-[0023] CPU), an acquiring unit which acquires the information for adjustment processing transmitted from said control device (24 of Drawing 1, [0022]-[0023] CPU), a buffer recording unit which records the acquired information for adjustment processing as a second adjustment information in said volatile buffer memory (24 of Drawing 1, [0022] CPU) and an optical disk control unit which controls the housed optical disk according to the first adjustment information or the second adjustment information recorded in the volatile buffer (24 of Drawing 1, [0022]-[0023] [0052] CPU), wherein said control device is configured to control the drive device to stop the supply of power to said volatile buffer memory, the recorded information for adjustment processing in said volatile buffer memory is thereby erased ([0081] ON/OFF operation).

Regarding claim 18, Tadayuki et al. teach the replaying apparatus according to claim 17, wherein, said optical disk control unit of said control device controls a recording or replaying of the housed optical disk according to the information for adjustment (24 of Drawing 1, [0022] – [0023] [0052] CPU).

Regarding claim 19, Tadayuki et al. teach a replaying apparatus, comprising: a drive device housing an optical disk (Drawing 1) and a control device connected to said drive device (Drawing 1), wherein said control device has: a memory (36 of Drawing 1), a memory recording unit which acquires a pair of information including an identification information and an information for adjustment processing of the optical disk housed in said drive device and records the acquired pair of information in said memory (24 of Drawing 1, [0022]-[0023] CPU and [0022] disk ID is memorized on the memory, [0023] recording parameter will be based on the ID detected), a transmitting unit which acquires the identification information of the optical disk housed in said drive device from said drive device and transmits the information for adjustment processing which corresponds to the acquired identification information in the case that the corresponding information for adjustment processing is recorded in said memory (24 of Drawing 1, [0022]-[0023] CPU and [0022] disk ID is memorized on the memory, [0023] recording parameter will be based on the ID detected), and said drive device has: a volatile buffer memory (47 of Drawing 1, [0081] volatile memory SRAM), a calculation unit which calculates the information for adjustment processing of the housed optical disk (24 of Drawing 1, [0022]-[0023] CPU), an identification information acquired unit which acquires the identification information of the housed optical disk ([0022] Disk ID), a calculated information recording unit which records the calculated information for adjustment processing as a first adjustment information in said volatile buffer memory (24 of Drawing 1, [0022]-[0023] CPU), a paired information transmitting unit which transmits the calculated information for adjustment processing and the acquired

identification information as a paired information to said control device (24 of Drawing 1, [0022]-[0023] CPU), an identification information transmitting unit which transmits the acquired identification information to said control device (24 of Drawing 1, [0022]-[0023] CPU), an acquiring unit which acquires the information for adjustment processing transmitted from said control device (24 of Drawing 1, [0022]-[0023] CPU), a buffer recording unit which records the acquired information for adjustment processing as a second adjustment information in said volatile buffer memory (24 of Drawing 1, [0022] CPU) and an optical disk control unit which controls the housed optical disk according to the first adjustment information or the second adjustment information recorded in the volatile buffer (24 of Drawing 1, [0022]-[0023] [0052] CPU), wherein said control device is configured to control the drive device to stop the supply of power to said volatile buffer memory, the recorded information for adjustment processing in said volatile buffer memory is thereby erased ([0081] ON/OFF operation).

Regarding claim 20, Tadayuki et al. teach the replaying apparatus according to claim 19, wherein, said optical disk control unit of said control device controls a recording or replaying of the housed optical disk according to the information for adjustment (24 of Drawing 1, [0022] – [0023] [0052] CPU).

Regarding claim 21, Tadayuki et al. teach the replaying apparatus according to claim 17, wherein said control device is configured to control the drive device to supply power to the volatile buffer memory ([0081]), the transmitting unit transmits said information for adjustment processing to the acquiring unit which is then recorded in said volatile buffer memory ([0082] – [0083]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kezhen Shen whose telephone number is (571) 270-1815. The examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kezhen Shen/
Examiner, Art Unit 2627

/Joseph H. Feild/
Supervisory Patent Examiner, Art Unit 2627